

**SUBSTITUTE FOR  
HOUSE BILL NO. 4725**

A bill to amend 1985 PA 87, entitled  
"William Van Regenmorter crime victim's rights act,"  
by amending sections 8, 38, and 68 (MCL 780.758, 780.788, and  
780.818), as amended by 2000 PA 503.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8. (1) Based upon the victim's reasonable apprehension of  
2 acts or threats of physical violence or intimidation by the  
3 defendant or at defendant's direction against the victim or the  
4 victim's immediate family, the prosecuting attorney may move that  
5 the victim or any other witness not be compelled to testify at  
6 pretrial proceedings or at trial for purposes of identifying the  
7 victim as to the victim's address, place of employment, or other  
8 personal identification without the victim's consent. A hearing on  
9 the motion shall be in camera.

1           (2) The work address and address of the victim shall not be in  
2 the court file or ordinary court documents unless contained in a  
3 transcript of the trial or it is used to identify the place of the  
4 crime. The work telephone number and telephone number of the victim  
5 shall not be in the court file or ordinary court documents except  
6 as contained in a transcript of the trial.

7           (3) ~~Pursuant to~~ **UNDER** section 24 of article I of the state  
8 constitution of 1963, guaranteeing to crime victims the right to be  
9 treated with respect for their dignity and privacy, all of the  
10 following information and visual representations of a victim are  
11 exempt from disclosure under the freedom of information act, 1976  
12 PA 442, MCL 15.231 to 15.246:

13           (a) The home address, home telephone number, work address, and  
14 work telephone number of the victim unless the address is used to  
15 identify the place of the crime.

16           (b) A picture, photograph, drawing, or other visual  
17 representation, including any film, videotape, or digitally stored  
18 image of the victim.

19           **(C) THE FOLLOWING INFORMATION CONCERNING A VICTIM OF CHILD**  
20 **ABUSE, CRIMINAL SEXUAL CONDUCT, ASSAULT WITH INTENT TO COMMIT**  
21 **CRIMINAL SEXUAL CONDUCT, OR A SIMILAR CRIME WHO WAS LESS THAN 18**  
22 **YEARS OF AGE WHEN THE CRIME WAS COMMITTED:**

23           **(i) THE VICTIM'S NAME AND ADDRESS.**

24           **(ii) THE NAME AND ADDRESS OF AN IMMEDIATE FAMILY MEMBER OR**  
25 **RELATIVE OF THE VICTIM, WHO HAS THE SAME SURNAME AS THE VICTIM,**  
26 **OTHER THAN THE NAME AND ADDRESS OF THE ACCUSED.**

27           **(iii) ANY OTHER INFORMATION THAT WOULD TEND TO REVEAL THE**

1 **IDENTITY OF THE VICTIM, INCLUDING A REFERENCE TO THE VICTIM'S**  
2 **FAMILIAL OR OTHER RELATIONSHIP TO THE ACCUSED.**

3 (4) Subsection (3) ~~shall~~**DOES** not preclude the release of  
4 information to a victim advocacy organization or agency for the  
5 purpose of providing victim services.

6 Sec. 38. (1) Based upon the victim's reasonable apprehension  
7 of acts or threats of physical violence or intimidation by the  
8 juvenile or at the juvenile's direction against the victim or the  
9 victim's immediate family, the prosecuting attorney may move or, in  
10 the absence of a prosecuting attorney, the victim may request that  
11 the victim or any other witness not be compelled to testify at any  
12 court hearing for purposes of identifying the victim as to the  
13 victim's address, place of employment, or other personal  
14 identification without the victim's consent. A hearing on the  
15 motion shall be in camera.

16 (2) ~~Pursuant to~~**UNDER** section 24 of article I of the state  
17 constitution of 1963, guaranteeing to crime victims the right to be  
18 treated with respect for their dignity and privacy, all of the  
19 following information and visual representations of a victim are  
20 exempt from disclosure under the freedom of information act, 1976  
21 PA 442, MCL 15.231 to 15.246:

22 (a) The home address, home telephone number, work address, and  
23 work telephone number of the victim.

24 (b) A picture, photograph, drawing, or other visual  
25 representation, including any film, videotape, or digitally stored  
26 image of the victim.

27 **(C) THE FOLLOWING INFORMATION CONCERNING A VICTIM OF CHILD**

1 ABUSE, CRIMINAL SEXUAL CONDUCT, ASSAULT WITH INTENT TO COMMIT  
2 CRIMINAL SEXUAL CONDUCT, OR A SIMILAR CRIME WHO WAS LESS THAN 18  
3 YEARS OF AGE WHEN THE CRIME WAS COMMITTED:

4 (i) THE VICTIM'S NAME AND ADDRESS.

5 (ii) THE NAME AND ADDRESS OF AN IMMEDIATE FAMILY MEMBER OR  
6 RELATIVE OF THE VICTIM, WHO HAS THE SAME SURNAME AS THE VICTIM,  
7 OTHER THAN THE NAME AND ADDRESS OF THE ACCUSED.

8 (iii) ANY OTHER INFORMATION THAT WOULD TEND TO REVEAL THE  
9 IDENTITY OF THE VICTIM, INCLUDING A REFERENCE TO THE VICTIM'S  
10 FAMILIAL OR OTHER RELATIONSHIP TO THE ACCUSED.

11 (3) Subsection (2) ~~shall~~**DOES** not preclude the release of  
12 information to a victim advocacy organization or agency for the  
13 purpose of providing victim services.

14 Sec. 68. (1) Based upon the victim's reasonable apprehension  
15 of acts or threats of physical violence or intimidation by the  
16 defendant or at defendant's direction against the victim or the  
17 victim's immediate family, the prosecuting attorney may move that  
18 the victim or any other witness not be compelled to testify at  
19 pretrial proceedings or at trial for purposes of identifying the  
20 victim as to the victim's address, place of employment, or other  
21 personal identification without the victim's consent. A hearing on  
22 the motion shall be in camera.

23 (2) ~~Pursuant to~~**UNDER** section 24 of article I of the state  
24 constitution of 1963, guaranteeing to crime victims the right to be  
25 treated with respect for their dignity and privacy, all of the  
26 following information and visual representations of a victim are  
27 exempt from disclosure under the freedom of information act, 1976

1 PA 442, MCL 15.231 to 15.246:

2 (a) The home address, home telephone number, work address, and  
3 work telephone number of the victim.

4 (b) A picture, photograph, drawing, or other visual  
5 representation, including any film, videotape, or digitally stored  
6 image of the victim.

7 (C) THE FOLLOWING INFORMATION CONCERNING A VICTIM OF CHILD  
8 ABUSE, CRIMINAL SEXUAL CONDUCT, ASSAULT WITH INTENT TO COMMIT  
9 CRIMINAL SEXUAL CONDUCT, OR A SIMILAR CRIME WHO WAS LESS THAN 18  
10 YEARS OF AGE WHEN THE CRIME WAS COMMITTED:

11 (i) THE VICTIM'S NAME AND ADDRESS.

12 (ii) THE NAME AND ADDRESS OF AN IMMEDIATE FAMILY MEMBER OR  
13 RELATIVE OF THE VICTIM, WHO HAS THE SAME SURNAME AS THE VICTIM,  
14 OTHER THAN THE NAME AND ADDRESS OF THE ACCUSED.

15 (iii) ANY OTHER INFORMATION THAT WOULD TEND TO REVEAL THE  
16 IDENTITY OF THE VICTIM, INCLUDING A REFERENCE TO THE VICTIM'S  
17 FAMILIAL OR OTHER RELATIONSHIP TO THE ACCUSED.

18 (3) Subsection (2) ~~shall~~ DOES not preclude the release of  
19 information to a victim advocacy organization or agency for the  
20 purpose of providing victim services.